

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT ALIOTTA,	)	
	)	
Plaintiffs,	)	
v.	)	Civil Action No. 07-108 Erie
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Plaintiffs' civil rights case was transferred from the United States District Court for the Middle District of Pennsylvania on May 11, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on April 10, 2008 [38], recommends that Defendants' motion to dismiss or, in the alternative, motion for summary judgment [32] be granted. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiffs by certified mail at USP Canaan, where he is incarcerated, and on the Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 9<sup>th</sup> day of May, 2008;

IT IS HEREBY ORDERED that the Defendants' motion to dismiss or, in the alternative, motion for summary judgment [32] be granted.

The report and recommendation of Chief Magistrate Judge Baxter, dated April 10, 2008 [38], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN  
Sean J. McLaughlin  
United States District Judge

cc: all parties of record  
Chief U.S. Magistrate Judge Baxter